

APPEAL NO. 031514
FILED JULY 30, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 28, 2003. With respect to the issues before her, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____; that he timely reported his alleged injury to his employer; and that he did not have disability. The claimant appeals, essentially arguing that the hearing officer's injury and disability determinations are against the great weight of the evidence. In its response, the respondent (carrier) urges affirmance. The hearing officer's notice determination has not been appealed and has become final. Section 410.169

DECISION

Affirmed.

The claimant had the burden to prove that he was injured in the course and scope of employment. Conflicting evidence was presented at the hearing on the issue of whether the claimant sustained damage or harm to the physical structure of his body in the motor vehicle accident he had at work on _____. The 1989 Act makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). In this instance, the hearing officer simply was not persuaded that the claimant was injured, within the meaning in the 1989 Act, in the motor vehicle accident at work and she was acting within her province as the fact finder in so finding. Nothing in our review of the record reveals that the hearing officer's injury determination is so contrary to the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The 1989 Act requires the existence of a compensable injury as a prerequisite to a finding of disability. Section 401.011(16). Because we have affirmed the determination that the claimant did not sustain a compensable injury, we likewise affirm the determination that he did not have disability.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **FEDERAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PARKER W. RUSH
1445 ROSS AVENUE, SUITE 4200
DALLAS, TEXAS 75202-2812.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge